

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: Vice Chairman Rick Ripley, on February 18, 2009 at 3:00 P.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Rick Ripley, Vice Chairman (R)
Sen. Gary Branae (D)
Sen. Bradley Hamlett (D)
Sen. Bob Hawks (D)
Sen. Dan McGee (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Ryan Zinke (R)

Members Excused: Sen. Rick Laible, Chairman (R)
Sen. Taylor Brown (R)

Members Absent: None

Staff Present: Casey Barrs, Legislative Branch
Nadine Spencer, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 477, 2/16/2009; SR 4, 2/9/2009;
SR 5, 2/9/2009; SR 6, 2/9/2009

Executive Action: SB 279, SB 302, SJ 12, SB 69, SJ
25, SB 450, SR 4, SR 5, SR 6, SB 70

HEARING ON SB 477

Opening Statement by Sponsor:

00:00:44 Sen. Christine Kaufmann (D), SD 41, opened the hearing on SB 477, School district permissive levy for over-BASE budget.

00:01:48 Sen. Brown entered the hearing.

Proponents' Testimony:

00:04:27 Lance Melton, Montana School Boards Association (MTSBA)

00:09:21 Marco Ferro, MEA-MFT

00:10:13 Madalyn Quinlan, Office of Public Instruction (OPI)

Opponents' Testimony:

00:12:14 Mary Whittinghill, Montana Taxpayers Association

Informational Testimony: None.

Questions from Committee Members and Responses:

00:16:08 Sen. Hawks

00:16:33 Sen. Christine Kaufmann

00:17:07 Sen. Hawks

00:17:34 Sen. Christine Kaufmann

00:18:02 Sen. McGee

00:18:20 Madalyn Quinlan

00:18:51 Sen. Ripley

00:19:04 Madalyn Quinlan

00:19:33 Sen. Ripley

Closing by Sponsor:

00:19:52 Sen. Christine Kaufmann

00:21:59 Recess

00:28:44 Chairman Laible entered the hearing.

00:32:00 Reconvene

HEARING ON SR 5

Opening Statement by Sponsor:

00:32:09 Sen. Rick Laible (R), SD 44, opened the hearing on SR 5, Confirm appointee, Bernard Olson, to Board of Public Education.

Proponents' Testimony:

00:32:56 Patti Keebler, Governor's Office
00:34:28 Joyce Silverthorne, Office of Public Instruction (OPI)
00:34:55 Sheila Stearns, Office of the Commissioner of Higher Education (OCHE)

Opponents' Testimony: None.

Informational Testimony:

00:35:58 Bernard Olson, Lakeside

Questions from Committee Members and Responses:

00:37:30 Sen. Zinke
00:38:41 Bernard Olson
00:39:23 Sen. Zinke
00:39:30 Bernard Olson
00:40:25 Sen. Zinke
00:40:32 Bernard Olson
00:41:08 Sen. McGee
00:42:02 Bernard Olson
00:42:37 Sen. McGee
00:43:30 Bernard Olson
00:44:48 Sen. McGee
00:45:37 Bernard Olson
00:46:03 Sen. McGee
00:46:05 Bernard Olson
00:46:09 Sen. Branae
00:46:36 Bernard Olson
00:47:18 Sen. Branae
00:47:27 Sen. Hawks
00:47:58 Bernard Olson

Closing by Sponsor:

00:49:25 Chairman Laible

EXECUTIVE ACTION ON SR 5

00:50:03 **Motion/Vote:** Sen. McGee moved that **SR 5 BE ADOPTED.**
MOTION CARRIED unanimously by voice vote.

HEARING ON SR 4

Opening Statement by Sponsor:

00:50:51 Sen. Rick Laible (R), SD 44, opened the hearing on SR
4, Confirm appointee, Mitch Jessen, to Board of
Regents.

Proponents' Testimony:

00:51:31 Patti Keebler, Governor's Office
00:53:22 Sheila Stearns

Opponents' Testimony: None.

Informational Testimony:

00:54:30 Mitch Jessen, Dillon

Questions from Committee Members and Responses:

00:56:19 Sen. Brown
00:56:56 Mitch Jessen
00:59:25 Sen. McGee
00:59:43 Mitch Jessen
00:59:47 Sen. McGee
01:00:02 Mitch Jessen
01:00:14 Sen. McGee
01:00:23 Sen. Hawks
01:00:37 Steve Barrett, Board of Regents
01:00:53 Sen. Hawks
01:01:02 Steve Barrett

Closing by Sponsor:

01:01:38 Chairman Laible

EXECUTIVE ACTION ON SR 4

01:01:43 **Motion/Vote:** Sen. Brown moved that **SR 4 BE ADOPTED.**
MOTION CARRIED unanimously by voice vote.

HEARING ON SR 6

Opening Statement by Sponsor:

01:03:12 Sen. Rick Laible (R), SD 44, opened the hearing on SR 6, Confirm appointee, Clayton Christian, to Board of Regents.

Proponents' Testimony:

01:04:03 Patti Keebler, Governor's Office

01:05:15 Sheila Stearns

Opponents' Testimony: None

Informational Testimony:

01:06:56 Clayton Christian, Missoula

Questions from Committee Members and Responses:

01:09:48 Sen. Zinke
01:09:51 Clayton Christian
01:09:55 Sen. Zinke
01:10:00 Clayton Christian
01:10:07 Sen. Zinke
01:10:11 Clayton Christian
01:10:15 Sen. Zinke
01:10:24 Sen. McGee
01:10:30 Clayton Christian
01:10:37 Sen. McGee
01:10:49 Sen. Hawks
01:11:18 Clayton Christian
01:12:14 Sen. Brown
01:12:58 Clayton Christian
01:15:36 Sen. McGee
01:16:16 Clayton Christian
01:18:14 Sen. McGee
01:18:49 Clayton Christian
01:19:43 Sen. Hamlett
01:20:06 Clayton Christian

Closing by Sponsor:

01:22:03 Chairman Laible

EXECUTIVE ACTION ON SR 6

01:22:55 **Motion/Vote:** Sen. Hawks moved that **SR 6 BE ADOPTED.**
MOTION CARRIED unanimously by voice vote.

EXECUTIVE ACTION ON SB 279

01:24:41 Casey Barrs
EXHIBIT(eds38a01)

01:25:50 Chairman Laible
01:25:56 Casey Barrs
01:26:03 Chairman Laible
01:26:11 Sen. McGee
01:26:27 Chairman Laible

01:26:29 **Motion:** Sen. McGee moved that **SB 279 DO PASS.**

01:26:32 **Motion:** Sen. McGee moved that **SB 279 BE AMENDED.**

Discussion:

01:26:49 Sen. McGee
01:28:39 Chairman Laible
01:28:56 Sen. Brown
01:28:58 Chairman Laible
01:29:04 Sen. McGee
01:29:30 Sen. Brown

01:30:28 **Vote:** **MOTION CARRIED** unanimously by voice vote.

01:30:54 **Motion:** Sen. McGee moved that **SB 279 DO PASS AS AMENDED.**

Discussion:

01:31:06 Sen. Hawks
01:33:42 Sen. Ripley
01:34:53 Sen. Stewart-Peregoy
01:36:08 Sen. Hamlett
01:36:33 Chairman Laible
01:36:45 Casey Barrs
01:37:01 Sen. Zinke
01:37:49 Sen. Brown
01:39:46 Sen. Ripley
01:40:19 Chairman Laible
01:40:30 Sen. Brown

01:40:40 **Vote:** **MOTION FAILED** 3-6 by roll call vote with Sens. Ripley, Brown and McGee voting aye.

01:41:35 **Motion/Vote:** Sen. Brown moved that **SB 279 BE TABLED AND THE VOTE REVERSED. MOTION CARRIED.**

EXECUTIVE ACTION ON SB 70

01:41:58 **Motion:** Sen. Branae moved that **SB 70 DO PASS.**

01:42:29 **Motion:** Sen. Branae moved that **SB 70 BE AMENDED. [EXHIBIT](#)(eds38a02)**

Discussion:

01:42:38 Sen. Branae
01:44:29 Sen. Ripley
01:44:21 Sen. Branae
01:44:31 Sen. McGee
01:45:47 Sen. Branae
01:45:56 Sen. McGee
01:46:35 Sen. Branae
01:46:50 Madalyn Quinlan
01:47:22 Sen. McGee
01:47:31 Sen. Hawks
01:48:37 Sen. Ripley
01:48:56 Sen. Zinke

01:49:11 **Vote:** **MOTION CARRIED** unanimously by voice vote.

01:49:33 **Motion:** Sen. Branae moved that **SB 70 DO PASS AS AMENDED.**

Discussion:

01:49:41 Sen. Branae
01:50:16 Sen. Ripley
01:50:47 Sen. Hawks
01:51:08 Sen. Ripley
01:51:21 Chairman Laible
01:52:02 Sen. Hawks
01:52:29 Chairman Laible

01:52:59 recess
02:01:01 reconvene

02:01:09 **Motion:** Sen. Branae **WITHDREW THE MOTION TO DO PASS SB 70 AS AMENDED.**

EXECUTIVE ACTION ON SB 302

02:01:59 **Motion:** Sen. Ripley moved that **SB 302 DO PASS.**

Discussion:

02:02:08 Chairman Laible

02:03:09 Sen. Ripley

02:03:19 Sen. Branae

02:03:52 Sen. Ripley

02:04:42 Chairman Laible

02:05:01 **Vote:** **MOTION FAILED** 3-6 by roll call vote with Sens. Branae, Hamlett and Hawks voting aye and Sens. Hamlett and McGee voting by proxy.

EXECUTIVE ACTION ON SB 450

02:07:04 **Motion:** Sen. Ripley moved that **SB 450 DO NOT PASS.**

Discussion:

02:08:12 Sen. Brown

02:08:23 Sen. McGee

02:08:34 Sen. Hawks

02:08:58 **Substitute Motion/Vote:** Sen. McGee moved that **SB 450 BE TABLED. MOTION CARRIED** unanimously by roll call vote and Sen. Hamlett voting by proxy.

EXECUTIVE ACTION ON SB 69

Discussion:

02:10:03 Sen. McGee

02:10:45 **Motion:** Sen. McGee moved to **RECONSIDER PREVIOUS ACTION ON SB 69 AND REMOVE FROM THE TABLE.**

02:11:00 Casey Barrs

02:11:10 Chairman Laible

02:11:20 Sen. McGee

02:11:37 **Vote:** **MOTION CARRIED** unanimously by voice vote.

Note: **SB 69 and SB 70 will be referred to Finance and Claims.**

EXECUTIVE ACTION ON SB 302

02:12:07 **Motion/Vote:** Sen. Brown moved that **SB 302 BE TABLED AND THE VOTE REVERSED. MOTION CARRIED.**

EXECUTIVE ACTION ON SJ 12

02:12:55 **Motion:** Sen. Laible moved that **SJ 12 DO PASS.**

02:14:31 **Motion/Vote:** Sen. Laible moved that **SJ 12 BE AMENDED. MOTION CARRIED** unanimously by voice vote.

EXHIBIT (eds38a03)

02:14:53 **Motion:** Sen. Laible moved that **SJ 12 DO PASS AS AMENDED.**

Discussion:

02:16:10 Sen. Branae
02:18:14 Sen. Hawks
02:22:39 Sen. Stewart-Peregoy
02:24:03 Sen. Brown
02:25:46 Chairman Laible
02:27:09 Sen. Hawks
02:27:47 Sen. Brown
02:27:55 Sen. Hawks
02:28:09 Sen. Brown
02:28:27 Sen. McGee
02:30:28 Chairman Laible

02:31:45 **Vote:** **MOTION FAILED** 4-5 by roll call vote with Sens. Brown, Hamlett, Stewart-Peregoy and Laible voting aye.

02:32:37 **WITHOUT EXCEPTION THE VOTE WAS REVERSED AND SJ 12 WAS TABLED.**

EXECUTIVE ACTION ON SJ 25

02:34:08 **Motion:** Sen Hawks moved **DO PASS SJ 25.**

02:34:39 **Motion:** Sen. Hawks moved that **SJ 25 BE AMENDED.**

EXHIBIT (eds38a04)

Discussion:

02:34:51 Sen. Hawks

02:37:18 **Vote:** **MOTION CARRIED** unanimously by voice vote.

02:37:30 **Motion:** Sen. Hawks moved that **SJ 25 DO PASS AS AMENDED.**

Discussion:

02:37:42 Sen. Hawks

02:38:48 Sen. Brown

02:39:57 **Vote:** **MOTION CARRIED** unanimously by voice vote.

ADJOURNMENT

Adjournment: 6:00 P.M.

Nadine Spencer, Secretary

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Additional Documents:

EXHIBIT ([eds38aad.pdf](#))